

Serial No. 10/714,457

Atty. Docket No. 277/026

Supp. Amendment dated September 1, 2005

Reply to Office action of April 22, 2005

REMARKS

Prior to entry this amendment, claims 1-11 are pending in the instant application. Claim 1 was amended in the Amendment dated July 22, 2005 to more clearly recite the present invention. Claims 12-20 have been added. Claims 1 and 15 are independent. No new matter has been added.

Claims 1-20 are presented to the Examiner for further or initial prosecution on the merits.

A. Asserted Anticipation Rejection

In the outstanding Office action dated April 22, 2005, the Examiner rejected claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0048422 to Cotteverte et al. ("the Cotteverte et al. reference"). Claim 1 was amended to more clearly define the present invention. It is respectfully submitted that claim 1 is allowable for at least the reasons set forth below.

Claim 1 now recites, in part, that "input ports and output ports being adjacent for both the first/third waveguide route and the second/fourth waveguide route." This is clearly shown in FIGS. 2A, 2B, 4A and 4B of the original specification. This configuration allows light to propagate within the first through fourth waveguide without interfering with light propagating in another waveguide.

In contrast, while FIGS. 29-31 of the Cotteverte et al. reference may disclose a 2x2 optical switch, two of the waveguides 508, 510 will couple light between opposite ports, rather than adjacent ports, and indeed will intersect in the switching region 504, as can be seen from the connection between A-B and a-b. *See, the Cotteverte et al. reference, paragraphs [0093] and [0094].*

Therefore, it is respectfully submitted that the Cotteverte et al. reference fails to

Serial No. 10/714,457

Atty. Docket No. 277/026

Supp. Amendment dated September 1, 2005Reply to Office action of April 22, 2005

disclose or suggest the present invention as now recited in claim 1. The remaining rejected claims depend from claim 1, and are believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that this rejection be withdrawn.

B. New Claims

New claim 11 (added in the Amendment dated July 22, 2005) and new claims 12-14 depend from claim 1, and are similarly believed to be allowable. New claim 15 also recites relative positions of the ports not disclosed in the Cotteverte et al. reference, and is similarly believed to be allowable. Claims 16-20 depend from claim 15, and are also believed to be allowable. Support for claims 11-12 and 17-18 may be found in paragraph [0027] of the original specification. The real slope portion, i.e., not zero or infinite, recited in claims 13 and 19, is clearly shown in FIGS. 4A and 4B. The curved portion recited in claims 14 and 20 are clearly shown in FIGS. 2A and 2B. Claim 16 corresponds to claim 2, but depends from claim 15. Therefore, no new matter has been added by the present amendment.

C. Conclusion

Since the cited prior art reference neither anticipates nor renders obvious the subject invention as presently claimed, applicants respectfully submit that claims 1-20 are now in condition for allowance, and a notice to that effect is respectfully requested.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

Serial No. 10/714,457

Atty. Docket No. 277/026


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In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

Date: September 1, 2005


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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.

Serial No. 10/714,457

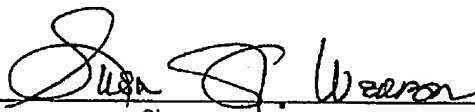
Atty. Docket No. 277/026

Supp. Amendment dated September 1, 2005

Reply to Office action of April 22, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on September 1, 2005.



Signature

Susan G. Werbow

Name of Person Signing Certificate